

of which was marked for hearing, yet the single motion filed by the Defendant was heard within seven (7) days.

2. The Defendants' motion, For Plaintiffs To Cease And Desist (RESTRAIN) From Posting Information In The Internet, was filed as an "*Emergency Motion*". This is certainly within the jurisdiction of this Court. However, the Plaintiffs' Motions, properly filed, in opposition to the Defendants' Motion, were not filed by the Clerk's Office for the hearing, and when these facts were argued by the Plaintiffs, the Clerk stated to the Bench that they were not filed "9A" even though they could not be since they were in response to an Emergency Motion, as per M.S.C.R 9(a) (e) (1) Exception. [Trans B, 3,13] hereto attached.
3. The Plaintiffs were declared Indigent by this Court and the Massachusetts Court of Appeals. The Plaintiffs, when filing their Complaint with this Court, were charged for two additional Summons, a considerable amount of money when one is Indigent. Yet, when the Plaintiffs asked that they be reimbursed for the two unused Summons, they were refused.
4. There is apparently scheduled a Rule 16 Conference regarding this case. The Plaintiffs did receive a phone call from "*Karen*" from the Clerk's Office, advising us of the hearing. As Karen was not available when we returned her call, we responded with a fax to the Clerk's office which stated, among other things, that we had been evicted by Falmouth District Court and forced out of State, an action based in large part on the Order of this Court. That order was subsequently overturned by the Massachusetts Court of Appeals who during the appeal, granted a phone hearing after reviewing the facts of our situation. The Appeals Court's Notice of Oral Argument by Telephone and a copy of the fax sent to Barnstable Superior Court on December 20, 2013 are hereto

attached as well as our *“emotion”* to the Appeals Court.

5. We contacted “Karen” after sending the above identified fax, and she stated that she was unsure of how to proceed and would check with her “boss” and get back to us. She specifically stated that she would send us a copy of the Rule 16 notice by email on *“Monday”*. She did get back to us on Monday, December 30, 2013 and left a voicemail message saying that we must physically appear at the hearing on January 10, 2014 in Barnstable.
6. Karen contacted us on December 30, 2013 at 3:41 PM EST to notify us that *“a judge”* reviewed our fax, and stated that there would be a Rule 16 Conference on January 10, 2014 at 9:00 AM EST, and *“we would be in attendance”*, the Judge did this with the full knowledge that our location, and the fact that we are Indigent make that attendance impossible. We have filed numerous motions this day to prevent such a punitive act from taking place *“off the record”* to preserve our right to appeal any such decision.
7. While sections 4, 5 and 6 above are not in the Courts record in this matter, the messages left us on Skype can be made available to the Court.

The facts are overwhelming in this matter. The clear and unarguable facts surrounding the actions of the Barnstable Superior Court Clerk's Office, clearly would make the eyebrow of the average person rise and do demonstrate an overwhelming appearance of impropriety. Of note, the references to *“Karen”* in this matter are only as the messenger of the facts we have brought forth in this motion.

Respectfully submitted,

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Respectfully submitted,

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Dated December 31, 2013